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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,674	10/22/2001	Anders Olsson	109476-010UTL	8284
27189 7590 02/27/2009 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B STREET SUITE 2100 SAN DIEGO, CA 92101				
EXAMINER ELISCA, PIERRE E				
ART UNIT 3621		PAPER NUMBER		
NOTIFICATION DATE 02/27/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com

# Office Action Summary

Application No.

10/037,674

Applicant(s)

OLSSON ET AL.

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-21 and 40-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-21 and 40-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-845)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

1. This communication is in response to Applicant's response filed on 12/01/2008.
2. Claims 1-7, 9-21 and 40-47 are currently pending. Claims 8 and 22-39 are cancelled.

*Claim Rejections - 35 USC § 102*

3. Following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. Claims 1-7, 9-21 and 40-47 are rejected under 35 U.S.C. 102 (e) as being anticipated by Middleton III et al US 2002/0111865 A1.

As per claims 1-2, 4-7, 9-12 and 40-47 Middleton discloses a computer method/system for tracking user micro-interactions with web page advertising, the method comprising of:

Receiving at the event-tracking server an event signal from a client device associated with the user, wherein the event signal comprises data that is descriptive of a user interaction with the content server, the event signal being sent in response to a hyper-text markup language element received by the client device from the content server device; analyzing the data to identify a specific user interactions (see., abstract, page 3, [0033]-[0048], and wherein the event signal conforms to the hypertext transport (HTTP) and the event signal includes event definition data in the HTTP header and uniforms resource locator parameters of the event signal. It is inherent to realize that the event

signal or the hyper-text markup must be come from a source different than the user or from an advertising source with a different hyper-text markup language different than the user. Furthermore Middleton discloses a HTTP protocol where Web pages are transferred between Web servers and clients (see., paragraph [0004], [0014], [0046]); Retrieving a set of instructions that correspond to the data included in the event signal; extracting the data from the event signal in accordance with the retrieved instructions; storing the data in a database (see., abstract, pages 3 and 4, [0033]-[0050], specifically wherein said identifying regions on the page and then tracking user activity and relating it to the particular elements or regions on the page, storage 12B or database).

In regard to Applicant's arguments filed on 12/01/2008, Applicant points out that the 102 rejection of claim 1 set forth in the office action dated 30 May 2008 is nearly word for word identical to the 102 rejection set forth in the 18 October 2007 office action. However, it is the Examiner's principal position that the cited references (Middleton and Ingrassia 332) still read on the claims since there is no amend made to the claims. Applicant is advised to add the limitation "where each data parameter is associated with a tag that identifies the location of its respective data parameter" in order to expedite prosecution.

As per claim 3, Middleton Barnett discloses the claimed method wherein said additionally comprising extracting the item of data that is denoted by the tag identified in the instructions (see., abstract, page 4, [0050]).

As per claims 13-21, Middleton discloses a computer method/system for tracking user micro-interactions with web page advertising, the method comprising of:

Receiving a request from a network user which includes a request event-tracking information in an event-tracking file at an event-tracking server, wherein said request received is originally contained in a specially-formatted Web page wherein said request includes the event tracking information and wherein the request is responsive to a hyper-text markup language element extracted from the specially-formatted Web page, extracting the event-tracking information from the request, and creating a record in an event-tracking file at the event-tracking server, containing event-tracking information, and wherein the event signal conforms to the hypertext transport (HTTP) and the event signal includes event definition data in the HTTP header and uniforms resource locator parameters of the event signal (see., abstract, pages 3 and 4, [0033]-[0050], specifically wherein said identifying regions on the page and then tracking user activity and relating it to the particular elements or regions on the page, storage 12B or database. It is inherent to realize that the even signal or the hyper-text markup must be came from a source different than the user or from an advertising source with a different hyper-text formatted markup language different than the user. Furthermore Middleton discloses a HTTP protocol where Web pages are transferred between Web servers and clients (see., paragraph [0004], [0014], [0046]).

5. The rejection to claims 1-7, 9-21 and 40-47 under 35 U.S.C. 102 (e) as being anticipated by Ingrassia 332" as set forth in the office action mailed on 06/14/2006 is maintained.

6. Claims 1-7, 9-21 and 40-47 are rejected under 35 U.S.C. 102 (e) as being anticipated by Ingrassia, Jr. et al (U.S. Pat. No. 6,035,332).

As per claims 1-21 and 40 Ingrassia discloses a method for monitoring user interactions with web pages from web server using data and command lists for maintaining information visited and issued by participants, the method comprising:

Receiving an event signal from a client device associated with the user, wherein the event signal comprises data that is descriptive of a user interaction with a server device of the computer network, the event signal being sent in response to a hyper-text markup language element received from the server device; analyzing the data to identify a specific user interactions (see., abstract, page 3, [0033]-[0048], and wherein the event signal conforms to the hypertext transport (HTTP) and the event signal includes event definition data in the HTTP header and uniforms resource locator parameters of the event signal. It is inherent to realize that the even signal or the hyper-text markup must be came from a source different than the user or from an advertising source with a different hyper-text markup language different than the user) see., abstract, figs 1-5, col1-col 20.

RESPONSE TO ARGUMENTS

7. Applicant's arguments with respect to claims 1-7, 9-21 and 40 have been fully considered but they are not persuasive.

8. In regard to Applicant's arguments filed on 12/01/2008:

a. Applicant points out that the 102 rejection of claim 1 set forth in the office action dated 30 May 2008 is nearly word for word identical to the 102 rejection set forth in the 18 October 2007 office action. However, it is the Examiner's principal position that the cited references (Middleton and Ingrassia 332) still read on the claims since there is no amend made to the claims. Applicant is advised to add the limitation "where each data parameter is associated with a tag that identifies the location of its respective data parameter" in order to expedite prosecution.

b. Applicant argues that the cited reference Middleton fails to disclose Applicant's newly added limitation wherein said the event signal conforms to the hypertext transport (HTTP) and the event signal includes event definition data in the HTTP header and uniforms resource locator parameters of the event signal. It is inherent to realize that the even signal or the hyper-text markup must be come from a source different than the user or from an advertising source with a different hyper-text markup language different than the user. Furthermore Middleton discloses a HTTP protocol where Web pages are transferred between Web servers and clients (see., paragraph [0004], [0014], [0046]);

c. Applicant submits that the invention is fully distinguished from Ingrassia. The claimed invention is directed toward an event-tracking that tracks user's web browsing

interactions. However, the Examiner respectfully disagrees with this assertion because the cited reference Ingrassia is also directed toward an event-tracking that tracks user's web browsing interactions see., Ingrassia in the abstract, specifically wherein said a method for monitoring user interactions with web pages from web server using data and command lists for maintaining information visited and issued by participants.

d. Applicant argues that neither Ingrassia nor Middleton singularly or in combination discloses the newly added limitation wherein said the event signal being sent in response to a hyper-text markup language element received from the server device; analyzing the data to identify a specific user interactions (see., abstract, page 3, [0033]-[0048]. Applicant should note that it is inherent to realize that the even signal or the hyper-text markup must be came from a source different than the user or from an advertising source with a different hyper-text markup language different than the user) see., abstract, figs 1-5, col1-col 20.

e. Applicant also argues that Middleton is directed to a similar purpose, but it does so in a completely different manner. As indicated above, the cited reference Middleton discloses a computer method/system for tracking user micro-interactions with web page advertising, and therefore both inventive concepts are similar and accomplish the same end result.

f. Applicant further argues that Ingrassia uses an applet system that requires a separate application to be downloaded to the client device and executed, therefore is much less efficient that the present claims and requires more overhead. The Examiner



respectfully disagrees with this assertion since the claims do not recite how much overhead the claimed invention is needed, and therefore Applicant argument is moot.

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Hotelier.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Pierre E. Elisca/  
Primary Examiner, Art Unit 3621

